

# EXHIBIT

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Declaration of Peter C. Salerno  
In Support of Defendant Yassin Kadi's Motion  
To Exclude the Testimony of Victor Comras

03 MDL 1570

July 31, 2023

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UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK  
Case No. 03-MDL-1570 (GBD) (SN)

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IN RE: TERRORIST ATTACKS ON  
  
SEPTEMBER 11, 2001

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REMOTE VIDEOTAPED DEPOSITION OF  
VICTOR COMRAS  
Ft. Lauderdale, Florida  
July 23, 2021

Reported By:  
ERIC J. FINZ

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July 23, 2021

8:16 a.m.

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Remote Videotaped Deposition of  
VICTOR COMRAS, taken by Defendants,  
pursuant to Notice, before ERIC J. FINZ,  
a Shorthand Reporter and Notary Public  
within and for the State of New York.

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A P P E A R A N C E S: (All Via Remote)

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CRAIG JONES, Videographer

1 VICTOR COMRAS

2 THE COURT REPORTER: Due to  
3 the need for this deposition to  
4 take place remotely because of the  
5 government's order for social  
6 distancing, the parties will  
7 stipulate that the court reporter  
8 may swear in the witness remotely  
9 and that the witness has verified  
10 that he is in fact Victor Comras.

11 THE WITNESS: Yes, I'm Victor  
12 Comras.

13 MR. MALONEY: Andrew Maloney  
14 from Kreindler & Kreindler for  
15 plaintiffs.

16 MR. SALERNO: Agreed.

17 VICTOR COMRAS,  
18 having been first duly sworn by the  
19 Notary Public (Eric J. Finz), was  
20 examined and testified as follows:

21 EXAMINATION BY

22 MR. SALERNO:

23 Q. Good morning, Mr. Comras. How  
24 are you today?

25 A. Good, thank you. How are you?

1 VICTOR COMRAS

2 identification, document headed  
3 "Corrigendum.")

4 BY MR. SALERNO:

5 Q. Mr. Comras, I show you what  
6 has been marked as Exhibit 974, and ask  
7 if this is the corrigendum that you  
8 submitted to your main report sometime in  
9 July of 2021?

10 A. It appears to be, yes.

11 Q. And for the record, this  
12 corrigendum changes the last sentence on  
13 page 39 of your main report to state --

14 A. That's correct.

15 Q. And let me finish.

16 And to state, please, that  
17 the -- let me start again.

18 My understanding is, and I'm  
19 going to ask you if this is correct, that  
20 this changes the last sentence on page 39  
21 to state that the total of bounced checks  
22 referred to is \$1.7 million rather than  
23 \$27 million. Is that correct?

24 A. Yes.

25 Q. And there are two additional



1 VICTOR COMRAS

2 Now, your list goes back to  
3 September 20, 2002. Doesn't it?

4 A. I think it does, yes.

5 Q. How did you select what  
6 material to include in this list and what  
7 to exclude?

8 A. What I considered to be work  
9 that was relevant and important. I've  
10 written other things on the side that  
11 have nothing to do with this issue,  
12 particularly in the areas of  
13 nonproliferation.

14 Q. Thank you.

15 Mr. Comras, do you have any  
16 experience analyzing pre-9/11 financial  
17 transactions in Sudan?

18 A. I cannot say specifically  
19 Sudan. I do have experience in dealing  
20 with financial transfers from other  
21 countries. I may have come across  
22 something when I was in the Office of  
23 Sanctions Policy that dealt with Sudan.  
24 But that would test my memory.

25 Q. And do you have any experience

1 VICTOR COMRAS

2 What experience do you have in  
3 forensic accounting? Would it be the  
4 same thing?

5 A. Pretty much so. Greatest  
6 experience is being the lead person on  
7 the Al Qaeda and Taliban Sanctions  
8 Committee Monitoring Group for financial  
9 sanctions. And then following that,  
10 having the same responsibility with  
11 respect to north Korea, from 2009-2010.  
12 In both of those times I was the man who  
13 led our group's efforts with respect to  
14 financial violations of sanctions.

15 Q. Thank you.

16 Changing the subject, sir.  
17 Did you read the entire transcript of  
18 Mr. Kadi's deposition in this case?

19 A. Yes.

20 Q. And did you read the --

21 A. Let me correct that. I read  
22 what was sent to me as volume 1. I  
23 assume that that was the whole  
24 transcript. I'm not sure if there was  
25 anything more. But I was provided what

1 VICTOR COMRAS

2 was called volume 1 of his transcript.

3 It seemed to be complete.

4 Q. Thank you.

5 There was also an errata  
6 sheet. Did you ever see an errata sheet  
7 to that transcript?

8 A. I did not.

9 Q. Mr. Comras, prior to writing  
10 your report in this case, did you have  
11 any bias regarding defendant Yasin  
12 Abdullah Kati?

13 A. I don't know how to quite  
14 answer that question. I had some  
15 knowledge of him. I don't think that  
16 that led to any bias, no.

17 Q. So you don't think you had  
18 bias, that's your answer?

19 A. I think that I understood that  
20 he was a designated entity. And that  
21 based upon the information available to  
22 me in the Al Qaeda and sanctions  
23 monitoring group, that there were reasons  
24 for that designation. So to the extent  
25 that that may have influenced me, I don't

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VICTOR COMRAS

know how you want to express that. I would not call that bias, I would call it simply assessing the facts.

Q. Did you write a post for the counterterrorism blog titled "It's time to put Yasin Al-Kadi out of business"?

A. I did.

MR. SALERNO: I would ask the court reporter to put up Exhibit 008 -- I'm sorry, 006, excuse me.

This is 976, correct, now?

THE CONCIERGE: Yes, sir.

MR. SALERNO: Can you put it up, please.

(Deposition Exhibit 976 for identification, blog titled "It's time to put Yasin Al-Kadi out of business," production numbers KADI 67861 through KADI 67862.)

MR. SALERNO: We're waiting for the court reporter to put up the exhibit.

THE CONCIERGE: My name is Duane, I'll be the concierge tech,

1 VICTOR COMRAS

2 I'm actually putting the sticker on  
3 it right at this moment. It's kind  
4 of an odd document. I jut don't  
5 want to have anything blocked with  
6 that sticker.

7 I did get ahold of support and  
8 we will have a videographer joining  
9 us.

10 THE VIDEOGRAPHER: I've  
11 actually joined and started my  
12 local recording. If you'd like  
13 I'll begin the Zoom recording as  
14 well.

15 MR. HAEFELE: We would object  
16 to the Zoom recording.

17 THE VIDEOGRAPHER: Okay. I'll  
18 just record local.

19 MR. SALERNO: What's the  
20 difference?

21 MR. HAEFELE: Courts have  
22 found Zoom recordings are not  
23 something that are admissible.

24 BY MR. SALERNO:

25 Q. I show you what has been

1 VICTOR COMRAS

2 marked as Exhibit 976, and ask if that is  
3 a true copy of the blog post you wrote  
4 titled "It's time to put Yasin Al Kadi  
5 out of business."

6 A. I'm looking for the date.  
7 Because I don't recall the exact wording  
8 of the blog at that time. But it looks  
9 like what would be my blog, yes.

10 Q. Well, I was going to ask.

11 A. Could you scroll it a little  
12 bit so that I could see a little bit more  
13 of the blog.

14 If you have patience, I'll  
15 read through it and recall -- refresh my  
16 memory.

17 Q. I'm just going to ask you if  
18 that's your blog. If you could look at  
19 the end of the post, it's dated September  
20 20, 2005.

21 A. Okay, September 20, 2005, yup.

22 Q. Okay. Is this the blog you  
23 wrote?

24 A. It appears to be the blog I  
25 wrote, yes.

1 VICTOR COMRAS

2 Q. Did you consider this post in  
3 writing either your initial report or  
4 your rebuttal report in this case?

5 A. To be honest, until this  
6 moment I had completely forgotten it.

7 Q. So is that the reason that you  
8 didn't list this article in your -- in a  
9 list of sample list of recent  
10 publications?

11 A. That's correct. I think it's  
12 very hard for me to get back the stuff on  
13 the counterterrorism blog since it was  
14 taken offline.

15 MR. HAEFELE: I'd also lodge  
16 an objection under Rule 26. I  
17 don't think he's required to list a  
18 2005 publication. But in any  
19 event, we have it.

20 MR. SALERNO: I'm just asking  
21 the question, Mr. Maloney.

22 MR. MALONEY: Well, no. You  
23 asked it in a way is that the  
24 reason you didn't list it. That's  
25 not fair. So I'm objecting to the

1 VICTOR COMRAS

2 form of your question. There are  
3 certain requirements under Rule 26  
4 for disclosure. You know it and I  
5 know it. The way you phrase the  
6 question was not proper.

7 MR. SALERNO: Thank you,  
8 Mr. Maloney, I appreciate the  
9 clarification.

10 BY MR. SALERNO:

11 Q. The final sentence of this  
12 post, Mr. Comras, "When, if ever, will  
13 the UN sanctions put him, Mr. Kadi, out  
14 of business?" Is that correct?

15 A. I'm sorry. It says "he  
16 continues to run a number of these  
17 businesses from his offices in Jeddah.  
18 When, if ever, will the UN sanctions put  
19 him out of business?" Correct.

20 Q. And in that post, you also  
21 wrote, going back to the first page,  
22 please, the second full paragraph.

23 A. Can you scroll back to it,  
24 please.

25 MR. SALERNO: Court reporter,



1 VICTOR COMRAS

2 are you there?

3 Q. Second full paragraph. Did  
4 you write that Muwafaq and its Blessed  
5 Relief charities were implicated directly  
6 in financing the 1998 U.S. Embassy  
7 bombings in Kenya and Tanzania?

8 A. Let me see. Financial  
9 supporters. He was the founder and key  
10 financial supporter of Muwafaq, that were  
11 implicated directly in financing.  
12 Despite designations by the U.S. Treasury  
13 Department.

14 Q. And to be clear, you were  
15 referring there to the Muwafaq Foundation  
16 with which Yasin Al Kadi was affiliated.  
17 Correct?

18 A. Correct.

19 Q. How was Muwafaq Foundation  
20 implicated in the embassy bombings in  
21 1998?

22 A. Through the financing route to  
23 those individuals and entities through  
24 the al Shamal Bank and Farmers Bank that  
25 reached Al Qaeda -- sorry, reached Al

1 VICTOR COMRAS

2 Qaeda membership which were directly  
3 implicated. Has to do with the route of  
4 financing at the time it believed to have  
5 involved, as I expressed in my report as  
6 well, financing directly from Muwafaq to  
7 Al Qaeda in Sudan. And that, it was the  
8 implication.

9 Q. So it's your testimony that  
10 you had evidence that Mr. Kadi was  
11 financing Al Qaeda?

12 A. To the extent that I express  
13 it in the report, correct. Evidence  
14 meaning what? I mean, was I there, no.  
15 Did I see it, no.

16 Q. Beyond what you've just told  
17 us, did you have any basis for the  
18 statement that Muwafaq and its Blessed  
19 Relief branch charities were implicated  
20 directly in financing for the 1998 U.S.  
21 Embassy bombings in Kenya and Tanzania?

22 A. The only reference is whatever  
23 is in my report. I stand by the words in  
24 my report. That's the extent of my  
25 knowledge of this transaction.

1 VICTOR COMRAS

2 Q. Thank you.

3 You note in this post in the  
4 first paragraph that the Albanian  
5 authorities had seized assets of Mr. Kadi  
6 owned in that country. Correct?

7 A. In Albania, yes, they had  
8 seized assets of Al Kadi.

9 Q. And the Albanians were  
10 conducting a criminal investigation of  
11 Mr. Kadi. Correct?

12 A. Correct.

13 Q. Do you know the outcome of  
14 that investigation?

15 A. It was dropped.

16 Q. So you were a contributing  
17 expert to the Counterterrorism Blog.  
18 Correct?

19 A. I was a contributor to the  
20 Counterterrorism Blog, correct.

21 Q. You didn't have any kind of a  
22 title that you would call contributing  
23 expert?

24 A. I did. I was a contributing  
25 expert. It says so on the blog. The

1 VICTOR COMRAS

2 not cite any authority for that?

3 A. None that I can think of.

4 Q. Do you have any authority for  
5 that?

6 A. I apparently do, but I have to  
7 find it again. Obviously I don't try to  
8 use my words lightly. It's come to my  
9 attention that facts from the reading and  
10 research, it may have been a lacuna to  
11 not put in a footnote.

12 Q. But as you sit here today --

13 A. I think that there are other  
14 footnotes showing his involvement in  
15 those groups. Not sure that he may have  
16 referenced it also in his deposition  
17 testimony. Or statements to OFAC. I'll  
18 have to check that, sorry.

19 Q. So you can't tell us then what  
20 now, as you sit here today, what the  
21 nature of Mr. Kadi's alleged association  
22 with members of the Muslim Brotherhood  
23 was, can you, or can you?

24 A. I cannot go beyond what I  
25 stated in the report. That he was

1 VICTOR COMRAS

2 A. It's broader than that.

3 Q. But --

4 A. Terrorism financing, you  
5 mentioned just transactions. It's  
6 broader than transactions itself. Well,  
7 financial transactions. The red flags of  
8 terrorism financing, in the broad sense.  
9 They were developed by different  
10 institutions for somewhat different  
11 purposes, mainly to alert financial  
12 institutions of possible transactions  
13 that involved terrorism. But also to  
14 inform other regulators and investigators  
15 of potential activities involving the  
16 financial support of terrorism.

17 Q. Your report at the bottom of  
18 page 7 and continuing on page 8.

19 A. 7 and 8, yes.

20 Q. That lists twelve red flags  
21 that you say, quote, must be considered  
22 in evaluating the likelihood of terrorism  
23 financing, close quote.

24 Have I read that correctly?

25 A. Yes, you have.

1 VICTOR COMRAS

2 Q. So you're not saying it's bad  
3 behavior to be a Saudi citizen; are you?

4 A. I'm not saying it's a bad  
5 behavior. I'm saying it's a red flag  
6 along with other red flags that you use  
7 to evaluate risks. These are risk  
8 factors. It says red flag. They are  
9 risk factors. And you take these risk  
10 factors and you look at transactions  
11 using these risk factors to determine  
12 whether something might have happened.  
13 And you study the transaction to see if  
14 it appears to be.

15 It's not the risk factors that  
16 determine that they are, it's the risk  
17 factors that point to the transaction to  
18 be studied.

19 I hope that answers your  
20 question.

21 Q. Yes, I think it does.

22 MR. SALERNO: Could the court  
23 reporter please mark and put up --  
24 I think I'm skipping one here, yes.  
25 011, our internal tab 011.

1 VICTOR COMRAS

2 So if it flows through him to somebody,  
3 he's not the issuer, but he's the  
4 handler.

5 So the issue is, did he issue  
6 it or did he handle it. Did a check end  
7 up where it ended up. We don't know  
8 that. We don't know what checks he may  
9 have handled along the way. But there is  
10 reason to believe that he did. That's  
11 what I'm saying.

12 Q. So how did Mr. Kadi -- I'm  
13 sorry. So you said in your opinion that  
14 Mr. Kadi, quote, used, unquote, bearer  
15 checks to mask questionable dealings.  
16 Correct?

17 A. Yes.

18 Q. So how did Mr. Kadi use bearer  
19 checks to mask questionable dealings?

20 A. By passing them on. By being  
21 an intermediary in the handling of the  
22 check.

23 (Reporter clarification.)

24 MR. MALONEY: I just objected,  
25 it was asked and answered.

1 VICTOR COMRAS

2 A. On April 23rd, the fund were  
3 sent by Kadi to the Islamic Investment  
4 Company of the Gulf.

5 Q. And in the sentence after that  
6 you state, "the Islamic Investment  
7 Company of the Gulf was the subject of  
8 multiple investigations concerning  
9 possibly links to terrorism."

10 Have I read that correctly?

11 A. That's correct.

12 Q. When did these investigations  
13 of IICG occur?

14 A. Let's take a look at 52.  
15 Footnote 52. Exhibit 21.

16 Q. I'm asking you when these  
17 investigations concerning possible links  
18 to terrorism that you assert exist of the  
19 Islamic Investment Company of the Gulf,  
20 that's not in Exhibit 21.

21 A. That's not in Exhibit 21,  
22 okay.

23 Well, there were  
24 investigations, I'm not sure how they  
25 finally came out. I think in the end



1 VICTOR COMRAS

2 there was an issue settled on tax  
3 grounds. But I cannot recall offhand all  
4 of the details about the investigations.

5 But I know that they were  
6 under investigation at that time, for  
7 several things. How that investigation  
8 resulted, I cannot tell you. I do know  
9 that there was something, I'm thinking  
10 from my memory now, there was something  
11 in the end that ended up in a tax  
12 violation. What was the extent of the  
13 investigation for several reasons, I  
14 don't know.

15 Q. It's your testimony that some  
16 of these investigations were going on in  
17 April of 1991; is that correct? You said  
18 at that time.

19 A. That's right. The  
20 investigation subject -- they were the  
21 subject of multiple investigations at  
22 that time.

23 Q. Concerning possible links to  
24 terrorism?

25 A. I believe that's the case.

1 VICTOR COMRAS

2 Q. But you can't cite us  
3 specifics as to any as you sit here  
4 today; can you?

5 A. Sitting here today I cannot,  
6 although I do have some -- I don't come  
7 up with things off the top of my head.  
8 There must have been something -- some  
9 source that I used to give me that  
10 impression, or that information.

11 Q. Okay.

12 MR. SALERNO: Now I'm going to  
13 ask the court reporter or  
14 videographer to put up tab 012,  
15 which is indeed Exhibit 21 to the  
16 Kadi deposition.

17 THE WITNESS: You're back on  
18 the screen, by the way.

19 MR. SALERNO: Veritext, I'm  
20 not seeing my whole screen. I've  
21 got a postage stamp.

22 (Deposition Exhibit 981 for  
23 identification, document headed  
24 "Islamic Fidicuary {sic} Account,"  
25 with attachments, production

1 VICTOR COMRAS

2 numbers KADI 34026 through KADI

3 57011.)

4 BY MR. SALERNO:

5 Q. I'm going back to page 17 of  
6 your report, where you say, about eight,  
7 nine lines down, "This transaction was  
8 never appropriately explained."

9 Have I read that correctly.

10 A. I believe you have, yes.

11 Never appropriately explained.

12 Q. And to whom was it supposed to  
13 be explained?

14 A. To my satisfaction that it had  
15 another purpose. It should be --  
16 transactions should provide information  
17 today about who is the originator, who is  
18 the beneficiary, and sometimes about what  
19 the purpose is. You just don't do a  
20 transaction that's not explained.

21 Q. And it's your testimony that  
22 this requirement to explain it to your  
23 satisfaction existed in 1991, what we're  
24 talking about here?

25 A. No. It's not a requirement

VICTOR COMRAS

that it be done to my satisfaction. It is a factor, an indicator that for me, in formulating my opinion. I mean, I look at the situation, the situation is full of different issues and facts and environment and scenery. And I draw conclusions from what I see.

That's my expertise, is to take a look at something and see, oh, maybe this is this, maybe this is that, what do I think it is, what do I think it is enough to express an expert opinion about. And that's how I derive my opinions. They are educated, informative opinions based upon many factors taken together, nothing independent of its own stands as a foundation or as a structure that will hold up my opinion, but many factors together that leads to an opinion.

Q. You never asked -- you never asked Mr. Kadi to explain it; did you?

A. I never asked Mr. Kadi anything, no.

1 VICTOR COMRAS

2 Q. Did anyone ever ask Mr. Kadi  
3 to explain it?

4 A. That I do not know.

5 MR. SALERNO: Would the  
6 videographer please put up tab 013,  
7 which is the Kadi deposition  
8 transcript. Which I believe would  
9 now be Exhibit 982, if I've  
10 correctly marked up my stuff.

11 (Deposition Exhibit 982 for  
12 identification, deposition  
13 transcript dated July 10, 2018.)

14 MR. SALERNO: Then could you  
15 also put up Exhibit 014 for  
16 completeness, it's not really  
17 applicable to this deposition, but  
18 for completeness, the errata sheet  
19 to the Kadi deposition transcript.  
20 And this is all asking Veritext to  
21 do that.

22 (Deposition Exhibit 983 for  
23 identification, errata sheet.)

24 THE CONCIERGE: The errata  
25 will be 0983.

1 VICTOR COMRAS

2 Q. In the sentence on page 17 of  
3 your report, and immediately after the  
4 one we've been talking about, and so this  
5 will be about, I'm eyeballing it, nine or  
6 ten or eleven lines from the top of page  
7 17, you say, "Consequently, Osama bin  
8 Laden had been present in Jeddah during  
9 this time and had been restricted from  
10 transferring his funds out of Saudi  
11 Arabia, raising suspicions that this \$10  
12 million transfer may have been made on  
13 his behalf," close quote.

14 Have I read that correctly?

15 A. Yes.

16 Q. What did you mean by  
17 "consequently" in that sentence, by the  
18 way?

19 A. Concurrently, a little bit  
20 more than concurrently. It was just  
21 coincidentally. Whatever you want to  
22 read into it. I don't think, maybe the  
23 "consequently" was not the best use of a  
24 word, consequently.

25 Q. Okay. We understand that

1 VICTOR COMRAS

2 you're talking more about you mean  
3 coincidentally really, don't you?

4 A. Probably. Enough to raise in  
5 my mind a suspicion, that's all. It may.

6 Q. Do you know anybody --  
7 (Simultaneous crosstalk.)

8 Q. Do you know anybody else  
9 besides yourself who had these  
10 suspicions?

11 A. I do not.

12 Q. And what, if any, is the  
13 evidence to support these suspicions?

14 A. I do not provide any because I  
15 say may. I reached no particular  
16 conclusion other than it raised a  
17 question in my mind. It was suspicious  
18 to me. I am reflecting that in my  
19 opinion, that it was suspicious to me.  
20 Nothing more. That it may have been. I  
21 am not concluding that it did. I am not  
22 making any conclusions about that  
23 sentence. It's a very conditional  
24 sentence.

25 Q. Let's go on to the second

1 VICTOR COMRAS

2 A. Correct.

3 Q. So it's still your opinion,  
4 though, that the original source or  
5 purpose of these funds was never fully  
6 explained?

7 A. I'm sorry, I don't understand  
8 your question.

9 Q. You have said that the source  
10 and purpose or source or purpose of these  
11 funds was never explained in your report.  
12 Correct? My question is, is that still  
13 your opinion after looking at --

14 A. I'd like to know the  
15 explanation. Still, I don't understand.  
16 All I know is that \$30 million was  
17 transferred from NCB to Leemount,  
18 Leemount invested the money. I don't  
19 know what the purpose of the investment  
20 was. That it now was the purpose of the  
21 issuing of the 30 million, I don't know.  
22 Was the 30 million originally provided  
23 for this investment, I don't know.

24 Q. Okay. You conclude in the  
25 first, this first full -- you conclude



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2 this first full paragraph at page 42 with  
3 the sentence, "This lack of accounting  
4 information concerning the origin,  
5 distribution and disbursement of these  
6 funds, raises serious red flags  
7 concerning the potential that some of  
8 these funds were siphoned off for  
9 terrorism or related illicit purposes,"  
10 close paren.

11 A. Let me go back to the  
12 beginning of the paragraph. Kadi again  
13 used his Leemount company to funnel money  
14 to Muwafaq for its projects. He got,  
15 according to the federal Swiss federal  
16 police, which is my source of information  
17 here --

18 Q. Okay, that's fine. Thank you.

19 A. Kadi made deposits.

20 MR. MALONEY: Mr. Salerno, you  
21 got to let him finish.

22 MR. SALERNO: I don't have to  
23 let him filibuster, Mr. Maloney.

24 MR. MALONEY: That's not  
25 filibustering. You posed a

1 VICTOR COMRAS

2 question about explanation or lack  
3 thereof. He's continuing to  
4 answer.

5 Continue, Mr. Comras.

6 A. It seems to me that I am  
7 reflecting the opinion of the Swiss  
8 investigators.

9 Q. By the way, the Swiss never  
10 prosecuted, or never concluded any  
11 prosecution of Mr. Kadi; did they?

12 A. They never concluded any, no.

13 Q. They investigated him for a  
14 number of years and never charged him.  
15 Correct?

16 A. Never charged him, correct.

17 Q. And you're aware that they  
18 investigated him for a number of years.  
19 Correct?

20 A. Never have implicated him,  
21 correct.

22 Q. Never indicted him?

23 A. Never indicted him.

24 Q. Mr. Comras, you have not  
25 traced any funds directly from Mr. Kadi

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2 in line 1, of the second paragraph, "when  
3 referring to the assassination of Al  
4 Qaeda co-founder Abdullah Azzam, bin  
5 Laden stated, quote, we were all in one  
6 boat, as is known to you including our  
7 brother, Wael Julaidan, close quote.

8 You quoted the part about we  
9 were all in one boat, but you didn't say  
10 when referring to the assassination of Al  
11 Qaeda co-founder Abdullah Azzam; did you?

12 MR. MALONEY: Objection.

13 A. I did not. I did not quote  
14 that because that was not part of what I  
15 was trying to say. What I was trying to  
16 take, and I had found in several places,  
17 was the interview. That was not part of  
18 the interview of Mr. Bin Laden at the  
19 time.

20 Q. So even the Treasury  
21 Department is essentially saying in its  
22 press release that the boat bin Laden is  
23 referring to in that quote, contains  
24 himself, Julaidan and Abdullah Azzam. Is  
25 that a fair characterization of what the

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2 Treasury Department saying?

3 A. I'm sorry, will you repeat  
4 what you just said?

5 Q. Even the Treasury Department,  
6 in the press release, the sentence we've  
7 just read and any other part of this  
8 release you wish to look at, is  
9 essentially saying that the boat that bin  
10 Laden is referring to contains himself,  
11 Julaidan and Abdullah Azzam. Isn't that  
12 a fair characterization of what the  
13 Treasury Department is saying?

14 A. You can draw that conclusion.  
15 Maybe I can too. But that's not what I  
16 read for sure says what they're saying,  
17 no.

18 Q. Do you know that Abdullah  
19 Azzam was assassinated in 1989?

20 A. Yes.

21 Q. By the way, you know from this  
22 very document that Wael Julaidan, was not  
23 listed by OFAC until September 6, 2002.  
24 Do you? Or don't you?

25 A. I do know that he was -- when

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2 criteria."

3 Have I read that correctly?

4 A. Correct.

5 Q. And am I correct that in your  
6 footnote to that statement, you cite  
7 Jonathan Benthall's "The Charitable  
8 Crescent", page 124. Am I correct about  
9 that?

10 A. Correct.

11 Q. And am I correct in your  
12 footnote you go on to state that, quote,  
13 "In 1996, as a journalist, Mr. Benthall  
14 visited a displaced person camp serviced  
15 by Muwafaq in Sudan."

16 Have I read that correctly?

17 A. You have.

18 Q. Do you happen to have a copy  
19 of "The Charitable Crescent" near you  
20 today?

21 A. I do not.

22 Q. Do you possess it at all?

23 A. I'm sorry?

24 Q. Have you ever seen the entire  
25 book, "The Charitable Crescent"?

1 VICTOR COMRAS

2 A. Yes, I purchased it on Amazon.

3 MR. SALERNO: I would ask the  
4 court reporter, please, to put up  
5 tab 021. And mark it as 989, I  
6 believe we're at.

7 (Deposition Exhibit 989 for  
8 identification, excerpt from "The  
9 Charitable Crescent.")

10 MR. SALERNO: I think we have  
11 it up.

12 BY MR. SALERNO:

13 Q. Do you accept that what I'm  
14 about to show you is from "The Charitable  
15 Crescent"?

16 A. Okay. My cover is in color.

17 Q. I didn't use a color scanner,  
18 I apologize.

19 I want to direct your  
20 attention, and the court reporter's  
21 attention to page 124. These are  
22 excerpts. So 124 will be some number of  
23 pages into this excerpt, Exhibit 989.

24 A. Okay.

25 Q. You've seen this page before;

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2 Q. Mr. Benthall. Okay. Fine.

3 MR. MALONEY: He has that in  
4 his report, Peter. I'm a little  
5 confused at really what you're  
6 asking. It's in his report.

7 MR. SALERNO: Andrew, in  
8 another context I would love your  
9 legal advice, but not this one.

10 MR. MALONEY: It's not legal  
11 advice. It's the form of your  
12 question that is confusing to  
13 everybody.

14 MR. SALERNO: Okay. If I  
15 heard a proper objection, that  
16 would be sufficient.

17 Q. In page 124 --

18 A. Going back to the main report?

19 Q. No.

20 A. Okay. In the document, got  
21 you. Sorry.

22 Q. It identifies, toward the end  
23 that first full paragraph, a total of 8  
24 humanitarian organizations servicing the  
25 camp the writer visits. Doesn't it?

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2 A. Yes, it does.

3 Q. And one of them is the Sudan  
4 Council of Churches; isn't it?

5 A. Yes.

6 Q. And the writer identifies only  
7 three of those eight agencies as Islamic.  
8 Isn't that correct?

9 A. I'm sorry, what are you  
10 saying?

11 Q. I'm asking you if the writer  
12 identifies only three of these eight  
13 agencies as Islamic.

14 A. Correct.

15 Q. Thank you.

16 Is there any reason you did  
17 not mention these other agencies,  
18 especially the nonIslamic ones, in the  
19 paragraph of your rebuttal where you  
20 discuss it, or anywhere in your report?

21 MR. MALONEY: Objection.

22 A. Because it was irrelevant to  
23 the report. I'm sorry to talk about  
24 relevance. But it had nothing to do with  
25 what I was writing.



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2 said about investing in or dealing with  
3 generally, can you describe the business  
4 dealings in any more detail?

5 A. Not much more, other than  
6 there was the involvement, his  
7 investments in these companies, financial  
8 transactions with these companies through  
9 his accounts in al Shamal Bank, through  
10 his companies, including Leemount, Rowad,  
11 it was one of the investments, he had  
12 worked together with Loxhall, was  
13 involved in the Rowad investigation.  
14 Transactions, I'm sorry. Starts with --

15 Q. May I interrupt you. Is it  
16 your testimony that Mr. Kadi and Muwafaq  
17 worked together with bin Laden in Rowad,  
18 R-o-w-a-d?

19 A. They were invested in Rowad  
20 and that they also with Rowad sold sesame  
21 and other agricultural products, yes.  
22 Muwafaq was also a party to those  
23 activities and was to receive, as I  
24 understand it, percentage of the profits  
25 or of the revenues produced by the

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2 activity.

3 Q. Also on page 55 you say that a  
4 Kadi company engaged in, quote,  
5 unmonitored business transactions with  
6 Dan Fodio, or Dan Fodio. I know it's not  
7 a first name.

8 A. Right. Sorry, what's your  
9 question?

10 Q. What evidence do you have for  
11 the proposition that any transactions  
12 with Dan Fodio were unmonitored?

13 A. There was no monitoring of any  
14 companies by the Sudanese government.  
15 They had no auditing capabilities, they  
16 had no reporting capabilities and no  
17 regulatory capabilities. So all  
18 transactions in a sense, especially with  
19 the NIF companies, would not be subject  
20 to any regulatory oversight.

21 Q. So am I correct from your  
22 answer that no Kadi company in Sudan had  
23 an obligation to be monitored. Is that  
24 correct?

25 MR. MALONEY: Objection.

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2 Wadi al Aqiq?

3 A. Mr. Bin Laden. Mr. Bin Laden  
4 was already on the designation list for  
5 the United States since 1995. Even  
6 before. He was engaged in terrorism  
7 activities and identified as a promoter  
8 of terrorism. He declared war on the  
9 United States in 1992 or '93.

10 Q. He declared war on the United  
11 States in 1992 or '93?

12 A. I think when he first did it.  
13 In his first declaration. Let me check  
14 my dates. It's at the front of my  
15 report.

16 I'm sorry, I spoke too soon.  
17 1996 he declared war against the Americas  
18 occupying the land of two holy places.

19 Q. Rowad was liquidated in 1996;  
20 wasn't it?

21 A. I'm sorry?

22 Q. Rowad was liquidated in 1996;  
23 wasn't it?

24 A. Yes, I take that as a point.

25 Q. And the relationship between

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2 reporter to take it down. Now it's  
3 down.

4 MR. HAEFELE: Thank you.

5 MR. SALERNO: You're welcome.

6 Q. You also say on page 38 and 39  
7 that Al Qaeda colleagues of Osama bin  
8 Laden used al Shamal Bank. And I'm  
9 asking, does that mean in your view that  
10 anyone who had an account at that bank  
11 was a member or a supporter of Al Qaeda?

12 A. It is my view that Mr. Kadi  
13 channelled funds into that bank, in  
14 significant sums. That those sums were  
15 subsequently used to buy products from Al  
16 Qaeda-related companies, or bin  
17 Laden-related companies, yes.

18 Q. Do you know how many banks in  
19 Sudan handled commercial transactions in  
20 the early 1990s?

21 A. Not many.

22 Q. Do you know how many offered  
23 Islamic investment products?

24 A. At least two, maybe three.

25 Q. Besides al Shamal, do you know

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2 those who had engaged in such activities  
3 from continuing such activities.

4 Q. You're not expecting an actor  
5 in 1992 to know that someone is going to  
6 be listed eight years later; are you?

7 MR. MALONEY: Objection.

8 A. I'm sorry, I don't quite  
9 understand your question.

10 Q. You're not expecting an actor  
11 in 1992, by actor I mean a person doing  
12 business in the circumstances we've been  
13 discussing, in 1992, to be aware that a  
14 person he is dealing with is going to be  
15 designated eight years later; are you?

16 MR. MALONEY: Objection.

17 A. No, I'm not. But the point is  
18 not that. The point is that I would know  
19 who I -- I would think that Mr. Kadi, as  
20 a wise businessman, would know with whom  
21 he's dealing and would know who they are  
22 involved in and what they are doing. And  
23 would have been aware of his  
24 relationships with these groups. And the  
25 fact that he was not yet designated for

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2 that should be irrelevant.

3 Q. Did you notice by any chance  
4 that the Exhibit 994 that we are looking  
5 at, we are looking at the Bates number  
6 KADI 10793. Turn back if you would one  
7 page, both the tech person and  
8 Mr. Comras, to 10792.

9 A. I'm sorry, I didn't catch what  
10 you said.

11 Q. I'm asking you to look at what  
12 is Exhibit 994, which is a Swiss police  
13 report.

14 A. Okay.

15 Q. We've been talking about. And  
16 we've been on Bates number KADI 10793,  
17 that we looked at. And now I'm asking  
18 you to turn back to 10792, one page  
19 previously.

20 A. I'm looking at it on the  
21 screen.

22 Q. Okay. Do you notice where it  
23 says, let's see if I can find this  
24 myself -- did you notice that at the  
25 bottom the regional director, Amir Mehdi,

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2 it says that he once lived in Jeddah, he  
3 was a lecturer at King Abdul Aziz  
4 University -- I'm sorry, it was his  
5 brother, who recommended Amir to Kadi.  
6 Amir Mehdi had excellent local knowledge  
7 because he had worked as a teacher in  
8 Peshawar and Islamabad, that was why he  
9 was appointed by Mr. Kadi.

10 Did you notice that when you  
11 were writing your report?

12 A. I noticed that when I was  
13 writing my report, yes, I did. But I'm  
14 not sure what inference you take from  
15 that. I take that he was recommended,  
16 and based upon a recommendation he  
17 accepted to hire Amir Mehdi. Either he  
18 was a fool and didn't know about who he  
19 was hiring, or he knew who he was hiring  
20 and didn't care.

21 Q. And you're assuming that who  
22 he was hiring is in fact guilty of the  
23 things that the various regulators eight  
24 years later accused him of doing.  
25 Correct?

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2 A. No, he was accused by the  
3 Pakistani government very shortly  
4 afterwards. He was arrested, he was  
5 engaged in a relationship with the  
6 bombers in 1993 of the Twin Towers. And  
7 he was fired by Kadi right about that  
8 time.

9 Q. He was arrested. Do you know  
10 if he was tried and convicted or pled  
11 guilty to any crime?

12 A. He was not tried and  
13 convicted. But that does not mean that  
14 he was vindicated. The police did find  
15 that he had a relationship through a  
16 telephone conversation and others in his  
17 books. So he was engaged, the Pakistani  
18 government knew who he was, yes.

19 Q. Did the Pakistani government  
20 find Mr. Mehdi's phone book before or  
21 after they arrested him, do you know?

22 A. They found it when they  
23 arrested him.

24 Q. And do you have any reason  
25 to -- do you have any evidence that



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2 Mr. Kadi knew that Mr. Mehdi had a  
3 suspicious person's name in his phone  
4 book?

5 A. I think that Mr. Kadi should  
6 know who he's appointing as director of  
7 his various companies, because he was not  
8 only -- he was more than just the head of  
9 the local Muwafaq director. He served  
10 Mr. Kadi in several capacities. And  
11 certainly Kadi placed a number of trusts  
12 in this man. Should have known, if he  
13 didn't know, then he's just a lousy  
14 businessman. And I don't think he's a  
15 lousy businessman.

16 You can't be an idiot and a  
17 smart person at the same time. You have  
18 to know who you're dealing with.

19 Q. Do you have any information  
20 other than what is in your report about  
21 Mr. Mehdi's alleged relationship with  
22 Amir Mehdi Yousef, who is the person that  
23 was in his phone book, apparently?

24 A. You're asking me, I'm sorry,  
25 you're asking me if there is other

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2 notes.

3 Q. In deciding to list someone as  
4 a founder of -- funder, excuse me, of  
5 terrorism, the U.S. Security Council  
6 Sanctions Committee doesn't conduct its  
7 own investigation; does it?

8 A. No, it does not.

9 Q. It relies on information from  
10 the member country that advocated for its  
11 listing. Correct?

12 A. Yes. It relies on information  
13 obtained from the governments, members.

14 Q. Changing the subject.

15 When did it become known that  
16 Chafiq Ayadi was allegedly a financial  
17 facilitator, donor or supporter of other  
18 gentleman Kadi group?

19 A. Say the first name again.

20 Q. Chafiq. C-h-a-f-i-q.

21 A. We're talking about Ayadi now.  
22 Okay. I'm sorry.

23 Q. When did it become known that  
24 Ayadi was allegedly a financial  
25 facilitator, donor or supporter of Al

1 VICTOR COMRAS

2 Qaeda or other jihadi group?

3 A. Sufficiently, before October  
4 12, 2001, to provide enough information  
5 to allow for his designation on that  
6 date.

7 Q. What was the information?

8 A. I'm sorry, the information  
9 is -- that's public is involved -- is  
10 provided in the statement at the time.

11 Q. What statement at the time?

12 A. By Treasury Department, in  
13 listing him.

14 Designation is a long process.

15 It requires interagency clearance, it  
16 requires a basis -- a demonstration that  
17 it is not being made on a capricious  
18 basis, that it's a reasonable activity,  
19 reasonable grounds to believe. And there  
20 are many sources that lead to that,

21 including, as Mr. <sup>Szubin</sup> Suez (phon) stated, who  
22 was a subsequent director of OFAC,

23 intelligence sources. So there are many  
24 sources that lead to the belief and the  
25 understanding that Mr. Ayadi was involved

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2 in terrorist financing.

3 Q. And so you're just assuming  
4 that Mr. Kadi had all this knowledge that  
5 is reported with the listing after 9/11.  
6 Am I correct?

7 A. I am assuming that if it was  
8 found out by intelligence sources it  
9 should have been obvious to Mr. Kadi, who  
10 is a businessman dealing so intimately  
11 with Mr. Ayadi, along with certain  
12 others. He must have known who he's  
13 dealing with. He better than anybody  
14 else.

15 Q. You're assuming, aren't you,  
16 that all intelligence information is  
17 accurate?

18 A. I'm assuming that it is  
19 information that is credible. Accurate  
20 is a different issue. I think there was  
21 sufficient credible information  
22 surrounding Mr. Ayadi to convince OFAC in  
23 an intergovernmental process involving  
24 much more than confidential information,  
25 that Mr. Ayadi was involved in terrorist

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2 Q. And I asked you what a whole  
3 series meant. And what are the red  
4 flags?

5 A. Well, I go to my own list of  
6 red flags. And --

7 MR. MALONEY: Can I just ask  
8 for clarification, Peter. What are  
9 the red flags in general or what  
10 are the red flags in this case for  
11 Mr. Comras?

12 MR. SALERNO: What are the red  
13 flags that Mr. Comras is referring  
14 to in the sentence that I just  
15 read, in the KA Stan transactions.

16 MR. MALONEY: Okay.

17 A. Let me summarize by saying  
18 lack of any clear indication as to what  
19 was involved, what wasn't involved, and  
20 what happened to the funds.

21 Q. And by your reference --

22 A. Parties that were -- that meet  
23 several of the criteria, that is funds  
24 coming from a high risk area to people in  
25 an area that are questionable. So there

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2 are many red flags. There are a list of  
3 red flags that can be put together, and I  
4 would be glad to do so subsequently if  
5 you want to give me the time, is  
6 considerable. Because the list of red  
7 flags is considerably longer than the  
8 list that I have provided.

9 Q. Well, can you tell me, in this  
10 sentence about KA Stan specifically that  
11 we are referring to, using FATF terms,  
12 can you tell me which red flags are risk  
13 indicators and which are terrorist abuse  
14 indicators?

15 A. That's a definition that's  
16 created subsequently by OFAC -- sorry, by  
17 FATF. FATF began creating the issue, or  
18 the resource of red flags starting in  
19 2002. The earliest reports -- in fact, I  
20 have a list from 2004 that I can cite to  
21 you.

22 Q. Mr. Comras, please just stop  
23 for a moment. I'm asking you  
24 specifically --

25 A. I am going to -- you're asking

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2 me for red flags. And I'm going to give  
3 you the list of red flags.

4 Q. I didn't ask -- that was the  
5 last question.

6 A. All right. You're asking me  
7 to divide them between terrorist abuse  
8 indicators and risk indicator. I'm  
9 sorry, that may be an exercise for  
10 others. That's not one of the exercises  
11 that I went through.

12 Q. Do you accept or you do not  
13 accept the FATF's distinction between  
14 risk indicators and terrorist abuse  
15 indicators; do you?

16 A. I do accept it. It's not  
17 something that I used, that's all, in  
18 preparing my report. I did not divide  
19 out the two.

20 Q. Okay.

21 A. In my view, the accumulation  
22 of information creates enough risk  
23 indicators to do more than be just a  
24 terrorist abuse indicator. I've taken a  
25 somewhat different approach in the use of

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2 by "a steady series of losses"?

3 A. I mean only what was stated by  
4 Mr. Kadi himself in his deposition  
5 testimony. And in his memo to OFAC.  
6 These are factors that he indicated, and  
7 I'm simply repeating them there. That  
8 they had steady losses and that in the  
9 end he had to close the company in 1998.

10 Q. Do you mean that Euro-invest  
11 never had a profitable year?

12 A. They may have had a profitable  
13 year. They certainly used their money  
14 to -- as indicated, to provide funds for  
15 Muwafaq and other purposes. They were  
16 very profitable years in the  
17 construction. These companies, if run  
18 correctly, it should have made a  
19 significant profit. They were  
20 investments made by Kadi because he felt  
21 that there was great opportunities in  
22 Albania and in the Balkans to make great  
23 profits.

24 And in fact, he ran these  
25 companies in a way that took whatever



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2 funds that they made, he gave them away  
3 in loans, in other activities. He sold  
4 things he says on credit, and never got  
5 paid for them. But not quite justified  
6 by the activities of the company and by  
7 they're simply statements to explain why  
8 there were losses.

9 But most of this is taken from  
10 his own testimony.

11 Q. Moving on. At the top of page  
12 33 of your report, you refer to some --

13 A. Sorry, let me get to 33,  
14 please.

15 Okay.

16 Q. You refer to some loans made  
17 by Euro-invest and conclude that, quote,  
18 "the rationale for these transactions is  
19 never presented." I'm looking at lines 3  
20 and 4. Correct?

21 A. The rationale for these  
22 transactions is never presented. That's  
23 correct.

24 Q. And this includes a \$6,200  
25 personal loan to Julaidan. Correct?

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2 A. Correct.

3 Q. I'll ask you a question that  
4 may be familiar to you now. To whom  
5 should a rationale have been presented?

6 A. It was a company, to its  
7 records, to facilities that can kept -- a  
8 company should do its own accounting,  
9 shouldn't it not? They should be  
10 explained. Their activities should be  
11 explained. If they go unexplained, they  
12 raise questions. If they raise  
13 questions, they create risks. If they  
14 create risks, they are vulnerable. If  
15 they are vulnerable in an atmosphere  
16 where a vulnerability can be taken  
17 advantage of, their money is lost.

18 So to whom should it be  
19 explained? To their own accountants, to  
20 their own accounting facility. Should  
21 they have accounting, yes. And what  
22 company should not know what it's doing,  
23 where its money is going, what's  
24 happening. But there is no record of any  
25 of that in these cases.

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2 Q. Well, have you seen all the  
3 financial records of the Kadi companies  
4 we've been discussing?

5 A. I've seen enough to know that  
6 there are blanks. And the companies  
7 where there were some recordings of  
8 accounting, such as in Pakistan, the  
9 accountants had to rely on information  
10 that was simply relying on the statements  
11 of the managers or the directors.

12 Q. Well, your knowledge of what  
13 you allege here is based entirely on your  
14 assumption that documents that you have  
15 not seen support the proposition that  
16 they're still unexplained. Am I not  
17 correct about that?

18 MR. MALONEY: Objection.

19 Q. You can answer.

20 A. Listen, they are unexplained  
21 as far as I could tell. If there is  
22 explanation, I certainly hope it will be  
23 presented. That's not my job. My job is  
24 to take a look at what I know is to be  
25 the situation. And what I know to be the

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situation is that these are unexplained.  
If there is an explanation, please  
provide it. That's your job, not mine.

Q. On page 50 of your main  
report. I will pause for you to get  
there.

A. Thank you. Okay.

Q. You discuss the el-Eman, e-l,  
new word, E-m-a-n, dormitory project for  
which Kadi arranged Julaidan to arrange  
construction. Correct?

A. Correct.

Q. And you conclude that  
between -- and this is a quote, between  
926,000 and 1.28 million of the  
Kadi/Karavan, Karavan with a K, provided  
funding for this transaction remained  
unaccounted for and was likely skimmed  
off for our purposes including Al Qaeda,  
close quote.

Did I read that correctly?

A. You did.

Q. And then if you could turn to  
page 33 of your main report.

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2 A. Sorry, which page?

3 Q. 33. 3-3.

4 A. Got it.

5 Q. Second full paragraph. This  
6 is not a run-over paragraph, so it's also  
7 the second paragraph.

8 A. Okay.

9 Q. And the last sentence of that  
10 paragraph is, "These suspicions were  
11 exacerbated by a subsequent accounting  
12 indicating that up to 300,000 of these  
13 funds remain unaccounted for." Second to  
14 last sentence.

15 A. Okay and?

16 Q. You say "more about this Maram  
17 project below."

18 Do you not see a discrepancy  
19 between 300,926 to 1.28 million?

20 A. I think you're comparing  
21 apples and oranges. I'm saying that a  
22 certain amount of money unaccounted for  
23 in a sense that we don't -- skimmed off,  
24 what happened to it. It did not  
25 logically or clearly go for the projects

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2 concerned. The 300,000 comes from a  
3 report that was done, I think, by the  
4 Swiss or the Germans, I'm not sure. The  
5 Swiss police, I think. That they said  
6 that 300,000 in the accounting was  
7 unaccountable.

8 Money, again, is fungible.  
9 You can find a purpose for the funds.  
10 But the funds' purpose may be somewhat  
11 off of the project that you're talking  
12 about. May have even been replaced by  
13 other funds. May involve other  
14 transactions.

15 So when I looked at it, it  
16 seemed to me that there was a real risk  
17 or great amount of this money could have  
18 been skimmed off.

19 Other sources also paid for  
20 some of the projects that were ordered by  
21 those involved, by Julaidan and others.

22 So I don't see a discrepancy  
23 between the figures, no. I just see that  
24 they're involving two different  
25 accountings by two different groups for

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2 two different purposes.

3 Q. You used the phrase  
4 "unaccounted for" in reference to both  
5 sets of figures. Correct?

6 A. Correct. Unaccounted for for  
7 me may mean a different thing than  
8 unaccounted for for the Swiss police.  
9 And I was simply referring to the Swiss  
10 police. I think it was the Swiss police  
11 report.

12 Q. And you're sticking with the  
13 926,000 to \$1.28 million range as funds  
14 that were never accounted for that you  
15 claim may have been skimmed off?

16 A. I said that were inefficiently  
17 or insufficiently accounted for. And may  
18 have been skimmed off, would be a more  
19 correct perhaps statement.

20 Q. How did you calculate those  
21 figures, by the way?

22 A. I calculated them at the time  
23 I created the report. I would spend some  
24 time recreating that calculation. And I  
25 don't think we have that within the hour

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2 that's left.

3 Q. No, we don't.

4 As you sit here today then,  
5 just to be clear, you can't account for  
6 yourself how you get to the figures of  
7 \$926,000 to \$1.28 million as being  
8 unaccounted for; can you?

9 MR. MALONEY: Objection.

10 That's not what he said.

11 Mischaracterizes his testimony.

12 A. I believe that I can stand by  
13 my statement. And if required, I can do  
14 so. I can put it back together again and  
15 provide a decent rationale for that  
16 statement, yes.

17 Q. Can you --

18 A. I don't think I'm in a  
19 position do that standing here on Zoom,  
20 no, in this deposition.

21 Q. We agree. But maybe perhaps  
22 you do remember the methodology you used  
23 to calculate those figures?

24 A. The methodology is, again, the  
25 fungibility of money. I noted when I



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2 prepared the report that there were  
3 alternative sources of funds for the same  
4 items from other sources. So I  
5 questioned what happened to which funds.

6 MR. SALERNO: Can we put up,  
7 it's Mr. Kadi's deposition, which  
8 is Exhibit 982. And then can we  
9 turn, please, to page 226.

10 And I need to get the exhibit  
11 myself.

12 Q. I am directing your attention  
13 to lines 10 through 12. Where Mr. Kadi  
14 said, it was okay that Julaidan will make  
15 certain profit for his work and  
16 supervision and contacting the companies.

17 Do you recall seeing that at  
18 the time you wrote your report?

19 A. Yes, I do.

20 Q. And I take it you don't think  
21 it was relevant to put into your report  
22 anything about Mr. Kadi's explanation for  
23 a possible shortfall in these funds  
24 relating to el-Eman?

25 A. I did not give much

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2 commercial activity.

3 Q. Well, the sentence says, "the  
4 Albanian government then closed the  
5 activities of these companies."

6 So I'm assuming it's every  
7 company on the list; correct?

8 A. I don't know that answer. We  
9 could assume that.

10 MR. MALONEY: I'm sorry, what  
11 --

12 MR. SALERNO: I want to  
13 establish what companies that  
14 Mr. Kadi was involved with that  
15 your witness, Mr. Comras, thinks  
16 are fictitious. Okay, he cited  
17 this. I don't know were it's some  
18 or all, and if it's some, which  
19 ones.

20 A. Okay, well, let's take a stab  
21 and say, many, Campbell, Medicare,  
22 Loxhall. I know Karavan had many  
23 different activities, but there were many  
24 Karavans. Some of them had more  
25 substance than others.

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2 I'm not aware that each --  
3 when I look at the list of companies,  
4 including companies that I've never even  
5 heard of before, there must be at least  
6 50 or 60 companies that are supposedly  
7 created at some point by Mr. Kadi. How  
8 he keeps track of all of them without  
9 accounting information, I have no idea.

10 Q. Where do you get the number 50  
11 or 60 companies, please?

12 A. I'm taking an impressionist  
13 perspective on that number. But if we  
14 <sup>add</sup> had the companies in the Far East, we <sup>add</sup> had  
15 the companies that he's registered in  
16 Albania, the companies that he's  
17 registered in Turkey, the companies that  
18 he's registered in the Isle of Man and  
19 Jersey, the companies that he registered  
20 in Pakistan and Saudi Arabia. If you  
21 start counting them up, you get to a  
22 considerable number. I lost count.

23 Q. Okay. Getting back to, you  
24 pulled out the names of some of these  
25 companies and said those are the ones

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2 available to me or to others or in any  
3 litigation that shows that they were  
4 anything but.

5 Q. So you say the burden is on  
6 somebody to establish or us to establish  
7 that they are not shell companies. Is  
8 that correct?

9 A. No, I'm saying if somebody  
10 wants to challenge my opinion, it's their  
11 burden to show that my opinion is  
12 incorrect. I've stated my position and I  
13 stand on my position and on the  
14 information that I have provided. I  
15 believe it's sufficient information to  
16 make that judgment. And I believe my  
17 background provides an opportunity for me  
18 to do so, a basis for me to do so.

19 If somebody wants to challenge  
20 that I'm incorrect, they should show me  
21 why I'm incorrect. They should not say  
22 to me that I have to further evidence my  
23 opinion. My opinion is based upon my  
24 expertise. It's based upon other  
25 factors. It's based upon looking at

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2 transactions and seeing the number of  
3 companies. That's the only tool in my  
4 trade.

5 I'm not in a position go out  
6 and delve specifically document by  
7 document, prove company by company, to do  
8 so. I believe I have sufficient  
9 information to discuss that opinion, to  
10 provide that opinion in an expert report.  
11 If somebody wants to challenge that  
12 position, I invite them to do so.

13 Q. What was your methodology in  
14 determining these were shell companies?

15 A. My methodology is well  
16 expressed at the beginning of my report.

17 MR. MALONEY: And at the  
18 beginning of this deposition as  
19 well.

20 Q. Do you have anything to add to  
21 what you've said in your report and at  
22 this deposition on that topic?

23 A. I do not at this time, no.

24 Q. Why was this article by Eduart  
25 Bala that is now -- it shouldn't be tab